

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ED BUTOWSKY,

Plaintiff,

v.

DAVID FOLKENFLIK, ET AL.,

Defendants.

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CIVIL ACTION NO.

4:18-CV-00442-ALM

**JOINT REPORT ON PARTIES' CONFERENCE REGARDING ATTORNEYS' FEES
SOUGHT BY DEFENDANTS' MOTION TO COMPEL DISCOVERY**

Pursuant to the Court's sealed June 5, 2020 Order granting in part and deferring in part Defendants' Motion to Compel Discovery (Dkt. 147), counsel for Plaintiff Ed Butowsky ("Plaintiff" or "Butowsky") and counsel for Defendants David Folkenflik, National Public Radio, Inc., Edith Chapin, Leslie Cook and Pallavi Gogoi (collectively, "Defendants" or "NPR") (and, together with Plaintiff, the "Parties"), met and conferred about the reasonable amount of attorneys' fees sought by Defendants under Federal Rule of Civil Procedure 37(a)(5)(A) in their Motion to Compel Discovery (Dkt. 85) (the "Motion").

COME NOW the Parties and file their Joint Report on their Conference Regarding Attorneys' Fees Sought by Defendants' Motion to Compel Discovery (the "Joint Report"), and would show as follows:

1. On June 16, 2020, through their respective counsel, the Parties met and conferred telephonically regarding the amount of attorneys' fees sought in connection with NPR's Motion.

Ty Clevenger participated for Butowsky, and Laura Lee Prather and David J. Bodney participated for NPR.

2. Prior to the Parties' June 18 teleconference, Ms. Prather sent Mr. Clevenger spreadsheets documenting the contemporaneous time entries and corresponding amounts of attorneys' fees incurred in preparing NPR's Motion and its supporting papers.

3. On June 18, 2020, counsel for the Parties conferred telephonically about the attorneys' fees issue again. Subsequent to their June 18 teleconference, they exchanged email communications on June 18 and 19 to explore an informal resolution of the attorneys' fees issue.

4. The Parties agree that NPR is entitled to recover attorneys' fees. The Parties, however, have been unable as of the time of filing of this Joint Report to agree as to the reasonable amount of attorneys' fees to be awarded to NPR pursuant to Rule 37(a)(5)(A) in connection with NPR's Motion.

5. Accordingly, under the Court's June 5, 2020 Order, NPR intends to file an application for attorneys' fees by June 24, 2020. NPR's application will be accompanied by supporting evidence establishing the amount of the reasonable attorneys' fees to be awarded under Rule 37(a)(5)(A).

Respectfully Submitted,

By: /s/ Stephanie N. Sivinski

Laura Lee Prather

State Bar No. 16234200

laura.prather@haynesboone.com

Wesley D. Lewis

State Bar No. 24106204

wesley.lewis@haynesboone.com

HAYNES AND BOONE, LLP

600 Congress Avenue, Suite 1300

Austin, Texas 78701

Telephone: (512) 867-8400

Telecopier: (512) 867-8470

David H. Harper

State Bar No. 09025540

david.harper@haynesboone.com

Stephanie N. Sivinski

State Bar No. 24075080

stephanie.sivinski@haynesboone.com

HAYNES AND BOONE, LLP

2323 Victory Avenue, Suite 700

Dallas, Texas 75219

Telephone: (214) 651-5000

Telecopier: (214) 651-5940

David J. Bodney

admitted pro hac vice

bodneyd@ballardspahr.com

Ian O. Bucon

admitted pro hac vice

buconi@ballardspahr.com

BALLARD SPAHR LLP

1 E. Washington Street, Suite 2300

Phoenix, Arizona 85004-2555

Telephone: (602) 798-5400

Telecopier: (602) 798-5595

Attorneys for Defendants

By: /s/ Ty Clevenger

Ty Clevenger

Texas Bar No. 24034380

P.O. Box 20753

Brooklyn, NY 11202-0753
979-985-5289 (phone)
979-530-9523 (fax)
tyclevenger@yahoo.com

Steven S. Biss (VSB # 32972)
300 West Main Street, Suite 102
Charlottesville, Virginia 22903
Telephone: (804) 501-8272
Facsimile: (202) 318-4098
Email: stevenbiss@earthlink.net
(admitted pro hac vice)

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

On June 19, 2020, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Eastern District of Texas, and therefore have served all counsel of record electronically through the Court's ECF system.

/s/ Stephanie N. Sivinski